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In re Application of

TU, et al.

U.S. Application No.: 10/553,397

PCT No.: PCT/JP04/05264

Int. Filing Date: 13 April 2004

Priority Date: 16 April 2003

Attorney Docket No.: Q90870

For: METHOD FOR PRODUCING METAL OXIDE
CATALYST

COMMUNICATION

This communication is in response to applicant's "Response to Notification of Missing Requirements" filed 26 October 2006.

BACKGROUND

On 13 April 2004, applicant filed international application PCT/JP04/05264 which claimed priority to an earlier application filed 16 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 October 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 October 2005.

On 17 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by payment of the full, U.S. basic national fee, an English translation of the international application, a preliminary amendment and an executed, combined declaration and power of attorney of the inventors.

On 22 September 2006, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was advised that the surname of the fourth listed inventor on the filed declaration did not correspond with the name on the published international application. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 26 October 2006, applicant filed the present response including a statement as to the true name of the fourth listed inventor, Hiroshi Niizuma.

DISCUSSION

MPEP 605.04(b) explains that

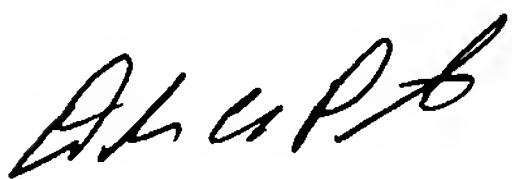
When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. The U.S. Patent and Trademark Office should simply be notified of the error and reference to the notification paper will be made on the previously filed oath or declaration by the Office.

Applicant has presently provided a statement that a typographical error occurred in the published international application as to the surname of the fourth listed inventor. Applicant has confirmed that the correct last name of the inventor is that which is listed and executed on the filed declaration, "NIIZUMA." As shown above, applicant is correct that by providing this explanation, no further requirements are necessary. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been provided.

CONCLUSION

The application has an international filing date of 13 April 2004 under 35 U.S.C. 363 and will be given a date of **17 October 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.



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